# Canons of Construction

Volume 36, Number 2 The Law Students' Newspaper Sept 27, 2004

Law students having fun at Law's a Beach

Photo by Stephanie Wong

## Fight for Change: Archbishop Ncube's Message of Desperation

### Walter Krawec (3L)

Outspoken human rights activist Archbishop Pius Ncube brought his message about the crisis in the African nation of Zimbabwe to the Faculty of Law last Friday. Speaking about rights abuses carried out by the government under President Robert Mugabe, Archbishop Ncube accused Mugabe of "trying to destroy civil society."

Accompanied by Brian Kagoro, a constitutional lawyer and head of the Crisis Zimbabwe Coalition, Archbishop Ncube has spoken to audiences worldwide to draw international attention to Zimbabweans suffering under Mugabe's oppressive government. On Friday, he discussed the various abuses carried out by Mugabe's regime in the country of 12.5 million. The list of offences, according to Archbishop Ncube, includes the seizure of lands, suppression of opposition parties and movements, election-rigging, ignoring the emerging AIDS crisis, and refusal to mitigate the food shortages that have plagued Zimbabwe.

Mugabe has been in power since 1987 but abuses have escalated in recent years, according to Archbishop Ncube. In 2000, voters rejected a new constitution proposed by Mugabe's government, and his prospects for the general election that followed were bleak. Said Archbishop Ncube, "He decided to take steps to break the opposition parties. The best way to break the opposition was to break the communal farms. The communal farms were the backbone of the economy."

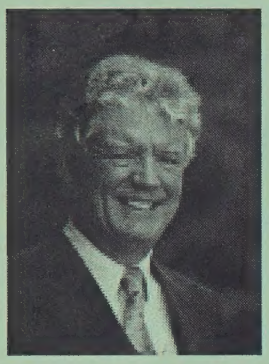
According to Archbisop Ncube, the seizure of communal farms led to economic collapse, and serious food shortages ensued. Millions of Zimbabweans were forced to rely on food aid, but Mugabe was reluctant to even acknowledge the shortages.

Archbishop Ncube said that Mugabe has become increasingly heavy-handed in efforts to maintain power, something he described as "a very unhappy situation." He noted that "if you don't support the government, woe be unto you." Archbishop Ncube spoke from experience: he has received numerous death threats and has been the subject of an extensive smear campaign as a result of his work. A recent *New York Times Magazine* profile noted that Zimbabwean authorities set out to tarnish Archbishop Ncube's reputation by denouncing him as a rapist, as well as gay and an AIDS-carrier in a society not charitable to either group.

Various laws have restricted the ability of opposition groups to organize and communicate. According to Archbishop Ncube, a law banning assembly has led to a situation where "before any meeting, you must kneel before police for permission– this is total

*...Continued on page 2*

# Dean's MESSAGE



**DavidR.Percy**

Despite unseasonably cold and miserable weather in the first week of term, the excitement and bustle of the new academic year has energized both students and Faculty members.

By now, the first year class is starting to feel comfortable in its new surroundings. The composition of the class reflects our standing as a national law school. 30% of the first year class is from out of province and the class represents every province in Canada, except PEI and New Brunswick, as well as two American states. The class was selected from 1202 applicants and is composed of 51.5% female students and 48.5% male students, with an average age of 25.

This year, the influx of new students is matched by the arrival of a number of new Faculty members, whose presence is particularly evident in first year classes. In the March issue of Canons, I profiled Professors Moin Yahya and Russell Brown. Since then, we have been fortunate to add two more outstanding teachers. Professor Joanna Harrington has joined us from the Faculty of Law at the University of Western Ontario and is a major part of our plan to expand our scope in International Law. First year students will already have encountered her energy and vitality in Constitutional Law. Professor Val Napoleon will join the Faculty on January 1, 2005 under a joint appointment with the School of Native Studies. Professor Napoleon is a graduate of the University of Victoria Law School and a Ph.D. candidate at U.Vic. She is originally from Northeastern British Columbia and is working on the internal consequences of major litigation for aboriginal people, with particular reference to the Delgamuukw case. In the second term, Professor Napoleon will be in charge of the Indigenous Law Programme, while Lisa Weber is on leave to work on her LL.M. degree at the University of Manitoba. As I mentioned in the March issue of Cannons, Dr. Mitch McInnes will be joining us, also from the University of Western Ontario will join us in July 2005.

The new Faculty members whom we have already welcomed and those whom we plan to add over the next two years created a need for further accommodation. The area of the old Faculty Lounge and kitchen has been totally renovated to provide new Faculty offices. At the time of writing, students are about to be able to start to take classes in the handsomely restored new Seminar Room, Room 430 (formerly known as Room 448).

I am delighted to welcome you all to the new academic year and look forward to meeting as many of you as possible over the next few months.

# New Faculty, New Lounge

## Fight for Change

*...Continued from page 1*

oppression." Ncube added that the electronic media is entirely government-controlled, and the opposition controls only one weekly newspaper.

Archbishop Ncube noted that the church has taken on a special role in Zimbabwe, given the constraints faced by opposition groups. "Because human beings are made in the image of God," he said, "churchmen must defend the underdog, the poor, the underprivileged and tell oppressors like Mugabe off."

"People don't care what goes on in Parliament," said Archbishop Ncube. "People just want to live, and that's what I'm fighting for."

# News/Lecture Flash

## Heather Grab (1L)

The 1L students experienced a change of pace on Wed. Sept. 21 when Professor Yahya gave a presentation titled "The Law and Economics of Property Law." He spoke of the increasing prominence of the economic perspective to the study of law. The information that Professor Yahya presented concerning the Coase Theorem was thought-provoking and will prove to be useful in our continued study of property law.

**Comments? Suggestions?**
***Canons* would like to know what you think of this or any of our issues. We have a 'Comments Box' in the library.**

*Canons of Construction* is the official Law Student Newspaper of the University of Alberta Law Faculty. It is published quarterly during the regular University session at a circulation of 1200. *Canons'* principal objectives are to provide equitable and judicious coverage of issues and events germane to Law Students at the University of Alberta and to provide an open forum for the free exchange and expression of thought, opinions and ideas.

All law students and interested parties in the legal community are encouraged to contribute submissions, provided that contributions are accompanied by name, student number and telephone number. No articles are published anonymously. *Canons* reserves the right to edit submissions for content, length, and legality. *Canons* will not publish materials deemed by the board to be racist, sexist, homophobic or libelous. Ideas and opinions expressed in *Canons* do not necessarily reflect the views of the *Canons* board.

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**Interested in helping out?**
Canons Next General Meeting:
**Wed Sept 29**
Canons Room (in locker room)
**Time: noon**
We are looking for a 1L Rep and Marketing/ Advertising Coordinator

# Faculty Profile

# Fusion of Law and Economics

PROFESSOR YAHYA

Photo by Kim Cordeiro

## My-Le Lai (3L)

*I've noticed on the faculty profile page that you completed a PhD in Economics at the University of Toronto. Why did you decide to study law?* My PhD thesis focused on law, regulation, and finance. In my thesis, I examined how firms can use their financial structure to strategically affect legal and regulatory outcomes. For example, if the law imposes liability on firms for negligently designed products, standard theory predicts that these firms will invest in care when designing the products and hence reduce accident rates. On the other hand, if too much liability is imposed by the legal system, firms may choose to use the bankruptcy system to seek protection from litigants. A firm that knows that it can seek such protection may, therefore, decide not to invest at all (or invest sub-optimally) in care since it knows that it can produce faulty products and use the bankruptcy system to fend off plaintiffs. These ideas coupled with my antitrust work in Ottawa increased my interest in the law.

*What is your current area of interest in law?* My area of research is under the broad rubric of law and economics. Law and economics is method of analysis available to the legal scholar and is one of the modern schools of jurisprudence. Currently I am studying newly emerging lawsuits called the "no-injury" lawsuits. In these cases, plaintiffs do not allege that they were harmed from a negligently designed product. Rather, they claim that the product is negligently designed, and hence they were defrauded when they paid for the product. Had they known of the negligent design, they claim, they would have paid less than they actually did. I am also investigating the legality of plaintiffs and their attorneys short-selling the stock of corporations they sue. Short-selling defendant's stock seems to be another emerging tool among the plaintiffs' bar.

I am also collaborating with Professor James Stribopoulos on a long-term project investigating judicial ideology. We will empirically investigate whether ideological bias exists in the judiciary by looking at the Ontario Court of Appeal's decisions from 1990 to 2003 to see how the various judges vote on certain issues (e.g. criminal, civil, etc) controlling for the outcome below and other variables. We believe that ours is the first serious investigation of an appellate court in Canada. This research is important for both academics and practitioners. For example, while some first year students may get the impression that judges are dissenting all the time the reality is that appellate courts have an almost 96%+ unanimity rate.

*Why did you decide to study law at George Mason University, an American law school?* George Mason is a unique law school in that it teaches from a law and economics perspective. I received the Robert A. Levy Fellow in Law and Liberty, which covered my tuition and living expenses. First year law students took a course on economic methods for lawyers. In most first year classes, students received a law and economics perspective on the topics they studied. The fellowship I received required me to tutor the first-year students on a regular basis during the year. Ironically, majoring in economics did not necessarily help your grade in that course (perhaps the economics majors got lazy thinking they knew the material).

*What was similar or different about the law program at George Mason compared to the one here?* The Socratic method is used extensively in American law schools, especially in first year courses. George Mason was no exception. Our professors assigned sometimes up to 40 pages per class expecting us to be prepared for every class. While I understand that Canadian law schools have allowed the Socratic method to die out, I am a firm believer in the method. We also had two years of legal writing. I was not a fan of the legal writing program at George Mason, and I believe that our school's approach is more sensible than my experience. Since both systems are common law based so much of the law that I studied is similar in substance to what I teach up here. The one area that is different is Civil Procedure. The American legal system is much more complicated, because of the concurrent jurisdiction of state and federal courts. This makes Civil Procedure quite complicated, and most American schools teach it in first year. In fact, Constitutional Law was a second year course at George Mason.

*As a law student which was your favourite class?* Tort law was a great class for me, because of who taught it. Dean Mark Grady (who has now returned to UCLA) had a nineteenth century legal scientists' approach to the law. Rather than analyzing the language of each case and spending hours dissecting what the judges said, he made us read hundreds of cases focusing on the facts and outcomes. By looking at which facts lead to which outcomes, Dean Grady argued, the student acquired a better sense of what the law really is, as opposed to what the judges say the law is. I have carried this methodology in my teaching and research. The one downside was that while we read approximately 60 cases in out other courses, we read almost 400 cases for torts.

*What was your most memorable experience?* I am not sure what is the most memorable, but one exciting moment for me was being elected day-class speaker (we had an evening section also). It was quite an honor to be chosen by my peers to speak.

*What do you hope to accomplish in your classes?* To teach students to think and act like lawyers, and hence my emphasis on using the Socratic method. I like to emphasize general legal and analytical skills in my classes, in addition to the substance of the course I am teaching.

*You will be teaching Contracts and Corporations Law this fall. What do you feel will be more challenging and why? And what would be more enjoyable?* They both have their challenges. Contracts is a first-year course, which I teach almost 100% by the Socratic method. Part of the challenge is teaching students how to read cases. I teach Corporations with a mix of Socratic and lecture style. There are many business and economics concepts that I teach the students, and so the challenge is getting the material across in a comprehensible format. What I hope to convey in Corporations is a sense of how and why businesses structure their transactions, and how lawyers can aid in minimizing the transactions costs.

*What advice can you give to the students?* Work hard and take advantage of all the resources the school has to offer.

# Career Services UPDATE

PAT NEIL

## My-Le Lai (3L)

**What is your role as the Career Services Officer?**

I am here to assist students in their search for their articles. Students should begin their search from the day they enter and it starts by getting involved and networking. There are all kinds of opportunities in the law school to network with fellow students and those in the profession through events, seminars, clubs and groups.

**What are some of the important events happening in the Fall term?**

There are four major events which will give students the opportunity to network:

-Sept. 30 Toronto Firm Reception in Calgary, 2:30-3:30pm at the University of Calgary, Faculty of Law, Faculty Lounge Room 4370

-Oct. 27 On-campus Interviews (OCIs) for Edmonton and Calgary 1L and 2L positions during the day and Wine & Cheese for all 2Ls from 4 to 6pm

# Networking is Key

-Nov. 8 Borden Ladner Gervais Fellowship Reception 3:30-5:00 pm (RSVP)

-Nov 12 Job Shadowing which is open to all years on a first come first serve basis where students get to 'shadow' a lawyer to see what a lawyer does for the day. Sign up TBA

**Upcoming Career Services Seminars/ Workshops in October**

-Oct 5 Interview Skills Seminar, Rm 231 12-2pm

-Oct 7 Graduate Studies in Law Seminar, Rm 237, 12-1pm

-Oct 14 Clerking with the Federal Courts, The Hon. Judith A. Snider, Rm 105 at NOON

-Oct 19 Clerking with the Alberta Courts, Rm 231/237, 12-2pm

-Oct 21 Mock Interviews with Firm Members, Decore Centre Rms A, C, D, 12-2pm Sign up necessary

-Oct 27 On-campus Interviews; Wine & Cheese for 2Ls 4-6pm

**What advice can you give to the 1Ls?**

My advice for the 1Ls is to start networking now. Success in getting an article depends on them. Be proactive. Pay attention to the Career Services secure website, the web bulletin board, notices under glass and the plasma screen. Come to the seminars. I still come out learning something new each time I attend. The Resource room on the fourth floor is for them to use. They can sign out books and brochures kept in the front room and in my office. Don't leave resumes and cover letters to the last minute. Please sign up for an appointment on my door if you would like me to review your cover letter and resume. Students need to look at firm hiring patterns. For instance, if a particular firm selects their articling students from summer positions, then students interested in that firm have increased their chances of securing an article with that firm if they have summered with them. The majority of Alberta firms do not hire for summer positions but it is becoming more the case over time. The Edmonton firms tend to prefer first year students and some Calgary firms will hire first year students for summer.

**What advice can you give to the 2Ls?**

Toronto and other Ontario centers concentrate their recruitment on second year students for summer positions. This is the same in British Columbia. The deadline for B.C. is Sept 30. In addition to networking, 2Ls should be gathering information on different firms to determine fit. They should be attending events, speaking to articling students and networking in order to find out what they are compatible with. The Career Fair on Feb 4 is another excellent opportunity for 2Ls to check out what firms would be most suited for them.

**What advice can you give to 3Ls still looking for articles?**

For those who are stilling looking for articles, I would suggest they not only network but also be proactive in their search for the firms in which they are interested. Those firms who are still unsure about whether they can hire an articling student may wait until late winter or early spring as they need to determine their budget and needs. There are students from outside Alberta who are also in the same situation and will be applying in Edmonton and Calgary, so 3Ls need to also be looking outside the major centers.

# Canons FODDER

## Walter Krawec (3L)

Anyone who was looking forward to seeing Canada's new Supreme Court appointees grilled by a panel of bloodthirsty opposition MPs must have been disappointed. Justice Minister Irwin Cotler gave the committee reviewing the Supreme Court appointments less than a day to comment on the appointment of Rosalie Abella and Louise Charron, and they didn't even get to question them directly. This hasty process made critics some question Prime Minister Paul Martin's commitment to a transparent process. It's likely no one regrets the debacle more than Parliamentary broadcaster CPAC, which missed out on the ratings bonanza that sordid dramatics of Supreme Court confirmations have brought to its U.S. counterpart C-SPAN, as well as missing out on cash from obvious sponsors ("...brought to you by Purolator: next day or it's free!")

A little closer to home, local democracy freaks can barely contain their excitement with two elections looming on the horizon. However, the rest of the populace seems less than inspired by the provincial and civic races, and that's putting it mildly. You know it's been a slow campaign when the biggest issue has been trying to pin down Robert Noce on the smoking ban. Perhaps the candidates might try to differentiate themselves in ways apart from preferred methods of disguising hair loss.

In the electoral main event, Ralph Klein is gunning for a knockout in the fourth and, in all likelihood, final round of his storied career. After skipping out on Paul Martin's Monumental-Health-Care-Fix-For-All-Eternity conference to hit the tables at Casino du Lac-Leamy, the biggest question is whether Klein will bother to show up for work after he wins. Canons Fodder hopes that Klein sticks around long enough to find a suitable replacement. Hey - anyone know what Miikka Kiprusoff is doing these days?

# From the NEWSROOM

## Digging Through the Files

**Tracy McMahon (3L)**

An "oops" made this summer by some overzealous cleaners meant that all of our 2003-2004 issues of *Canons* were disposed of. This prompted us to take stock of what we do still have. Digging through the stacks, we found issues from 1984. Curious to see what has changed in 20 years, I took a closer look.

1984. Orwellian connotations aside, it was a time of economic recession. Pierre Trudeau and John Turner took turns in 24 Sussex Drive. Peter Lougheed was Premier. It was a time when the Law Society paid out monstrous sums to cover up some unscrupulous acts by members of the profession. *Canons of Construction* was still *Cannons of Construction.*

The *Charter* was only just beginning to affect the law. The equality rights section (15 for those of you who may have temporarily suspended what you learned in first year) had not yet come into force. In 1984, the newly minted *Charter* spawned a new student group, the Constitutional Law Association, a "non partisan Association to watch *Charter* law unfold". Perhaps someone out there knows what happened to this group.

1984 was not only a time when papers were handwritten and typed on a typewriter, but printouts were all done in the General Services Building. On the plus side, the printed documents were delivered a respectable 4 times per day to the law school. A lengthy article selling the "wonders of word processing" appeared in the November issue. Students were strongly encouraged to use computers: "If you don't start using the computer now, you probably won't ever use it". The associate dean at the time affirmed our school's position as a leader in providing computer training for students.

Technology, thankfully, has advanced a bit, but surprisingly, several items that our *Canons* colleagues of the past found newsworthy sound with resonance today. A lively LSA election campaign covered in the March 1984 issue highlighted a couple of worthwhile suggestions from one candidate's campaign platform: coin operated word processors and parking spots for SLS members. Coin operated anything has pretty much gone by the wayside, but the parking situation has only gone downhill. Have you tried to park around here lately?

In 1984, concern was expressed, more than once, over increased enrollments in law school and about the overabundance of lawyers already in the profession. My reading of *The National* over the last couple of years points to too many students and not enough experienced lawyers. If this is true, what happened to all those law school grads between then and now?

Funding, another perennial issue, graced the pages of *Canons* in November 1984. Enough said on that subject.

In 1984, speakers were being welcomed in the aesthetically pleasing confines of room 231/237. *Canons* staff documented a guest speaker attended by a handful of concerned students who witnessed a less than satisfactory talk about environment protection. Another speaker addressed the question of whether the *Charter* has given judges too much power. And, debate swirled over whether there should be limits on the *Charter* rights to freedoms of expression. That it is undoubtedly the same clocks and grungy carpet from 1984 hasn't stopped us from welcoming speakers there today. Coincidentally, Preston Manning spoke in that very same room Thursday, September 23 and remarked on his concern that judges using the *Charter* to protect minorities is a problem undermining democracy today.

In 1984, the International Law Association held a forum on the U.S. military action in Grenada. I'll leave you to debate over the invasion in Iraq.

Is it true that the more things change, the more they stay the same? Can we write all of this off with one simple cliché? Perhaps, but I think I'll leave the answer lost out there among the reams of discarded law school history.

## 1L Perspective:

### *Letter to Home*

Hi all,

I hope that autumn is as beautiful where you are as it is here; I won't try to describe it, but suffice it to say that it's like stepping into an artist's landscape of Fall.

Well, I haven't had much time to explore Edmonton yet, but I must say that the U of A Campus is very pretty. It has quite the college-town feel to it, with students hauling mattresses down the narrow streets of the East Campus Village and others carrying heavy bags of groceries from Safeway.

Here's a few thoughts on my first two weeks of law school:

THE GOOD

My residence is better than I had expected (except for the stiff mattress), and I've been running into old acquaintances everywhere - from my brother's grade 12 grad escort to my high school debate partner to someone I took ballet with when I was 10 - I guess people from Calgary aren't too proud to announce to their fellow Calgarians that they're going to Edmonton.

In terms of school, the workload isn't a cakewalk but it's not too terrible. I've met lots of people and the prevailing attitude seems to be that we'll all make it through. The law profs are very articulate, and all of them have some sense of humour - which is important - especially when class on Monday begins at 8am. The way in which they speak is impressive - as one of my profs said at the first class, "sometimes what I say is so brilliant that it can't be repeated" - at the time we all laughed but I soon discovered that he really is quite an eloquent lecturer.

THE BAD

Among the many things that I've failed at so far (I've managed to trip both coming up and going down the stairs so far - no serious injuries, thank goodness), my culinary skills have proved to be non-existent. It may have something to do with all the veggies my mom stuffed into my fridge (layer by layer, I'm getting through the never-ending cabbage).

THE UNEXPECTED

- I don't miss accounting- ok, that wasn't really unexpected.

- Costume golf at El Hacko (you'd think that was a little weird, but oddly enough I was the only one in my group who didn't dress up, shame on me).

-Edmonton has an amazingly beautiful national park nearby - Elk Island National Park - we even got to snuggle up with bisons (well...close enough).

- If I want to apply for a summer job, my applications are due in 3 weeks...yikes!

Well, my super-expensive textbooks are screaming for me...as I'm sure yours are as well. So take care, and keep in touch.

Allison

# LSA UPDATE

VP SOCIAL

**Marnie Yohemas (2L)**

# Great Start to the Year!

Unbelievably, the leaves are turning and with the change in season came a whole new group of eager (or not so eager) legal beavers. The LSA is happy to report that we had a great turn out for the Pre-Orientation Party held at REDS which was generously sponsored by Blakes. 75 first years bowled, bingoed and played pool while having the opportunity to get to know some of their fellow classmates and ease some of their first day worries. A special thank-you to Tyler Derksen, Sarah Terry, Megan Chorlton, Jacob Hoeppner, Julia Buck, and Richard Johnson for being our upper year ambassadors for the event!

The first week of school was crazy busy for everyone. LSA membership sales went very well with over 400 memberships being sold. As you know the membership gives you special benefits like a locker, access to the Gavel, sports intramurals, CANS sales and much, much more. Look for the Who's Who to be available soon, with all those fantastic pictures we can't wait to check out!

The first week of school also brought us the First Friday Back Bash, held at Nor'Wester's Rugby Club and from all accounts it was a huge success! The turnout was fantastic and everyone looked like they were having a great time mixing it up!

El Hacko took place on Friday, September 17 and despite some not-so-great weather, our golfers headed out in some great outfits and had a great time. A big thank-you to BLG for donating prizes for El Hacko! The Gavel was transformed for our first FABS, which saw med students and law students alike enjoying a few beverages before heading out to Hudson's on Whyte for the after-FABS party. Another big thank-you to HMV for donating HMV gift cards and free CD's! Again, the turnout was fantastic at both FABS and the after-FABS, and you can look forward to more Friday Afternoon Beer Socials to reduce some of that law school stress. Thank-you to Professors Brown, Anand and Hopp and to the new LRW instructors Hutchison and Prelevic for dropping by and saying hello to the students!

This week our VP Academic Lisa Monteith has been busy taking orders for CANS. CANS should be ready for pick up later next week. Look to the Bulletin Board for information regarding when and where the pick-up for CANS will take place!

The First Year Election is fast approaching. Not only are there LSA rep positions up for grabs, there are positions for CBA, Articling Committee, Recruiting Committee and many more. Get your nominations in by Friday. Speeches are held next week and the election will take place on September 29 and 30. Come out and Vote for your favourite candidate!

**Lots to Look Forward To:**

Hopefully no one can complain that they are bored at law school. There are lots of great events in the works. Barristers Rugby Clubs - both the boys and the girls - are planning events; watch for a pub crawl soon! Also, watch for the Alumni Rugby weekend and of course the much anticipated and always fun Halloween Party at the end of the month. Watch the Bulletin Board and LSA Calendar for information regarding upcoming events!

So far the year has started off with a bang and the LSA hopes that you will all come out and support all our groups in their upcoming events! See you there!

# Law Guy: Lanny James

Hometown: Grand Prairie
Sign: Libra

If you were stranded on an island, which CD would you want with you?

*Sublime.*

What's the one book you would take with you on a flight around the world?

*Around the World in 80 days. How witty!*

The one show you wouldn't even miss during final exams?

*West Wing or the Stanley Cup Playoffs.*

The one movie you would pay twice to see, even at the expensive theatres?

*Original Star Wars. I think I have anyway...*

The place to which you'll most likely travel when finished school?

*Why wait? South America and Mardi Gras.*

If you could chill anywhere, would you pick the beach or the mountains?

*Mountains. But in the Spring there are bikinis at both...*

Favorite thing to do when NOT studying?

*Snowboarding or Poker.*

If money were no object, what would be the first thing you would buy?

*Tuition for the Law School.*

Pub or Martini Bar?

*With Boys or Girls? Pub for the gents, martinis for the ladies!*

# Social Page

## Law Girl: Kristin Engbloom

Hometown: Calgary
Sign: Aries

If you were stranded on an island, which CD would you want with you?
*David Gray.*
What's the one book you would take with you on a flight around the world?
*Alchemist.*
The one show you wouldn't even miss during final exams?
*The Bachelorette!*
The one movie you would pay twice to see, even at the expensive theatre?
*Top Gun.*
The place you'll most likely travel to when finished school?
*I'll do the Inca Trail!*
If you could chill anywhere, would you pick the beach or the mountains?
*Mountains.*
Favorite thing to do when NOT studying?
*Traveling or going out.*
If money were no object, what would be the first thing you would buy?
*Houses all over the world!*
Pub or Martini Bar?
*Depends on the night.*

# General MALFEASANCE

# Time Management for Law Students

Matt Vernon (2L)

If you're like me, the towering tsunami of work and play that is law school has by now struck you square in the day-timer, leaving you gasping for both breath and spare time. You're portioning out your time freely, almost *recklessly*, distributing yourself across the board with no regard for health or well-being, like a corporations prof assigning readings. You're tired. You're weary. You're also out of laundry detergent, and are toying with just using a half-cup of Windex, since the bottle doesn't say that you *can't*. In short, you're going to have to make some adjustments. That isn't to say, of course, that you have to do something drastic like slowing down or pacing yourself: like all good things, moderation is best enjoyed in small doses. Instead, here are two tips that should help you get the most out of the frenetic mess we law students call life:

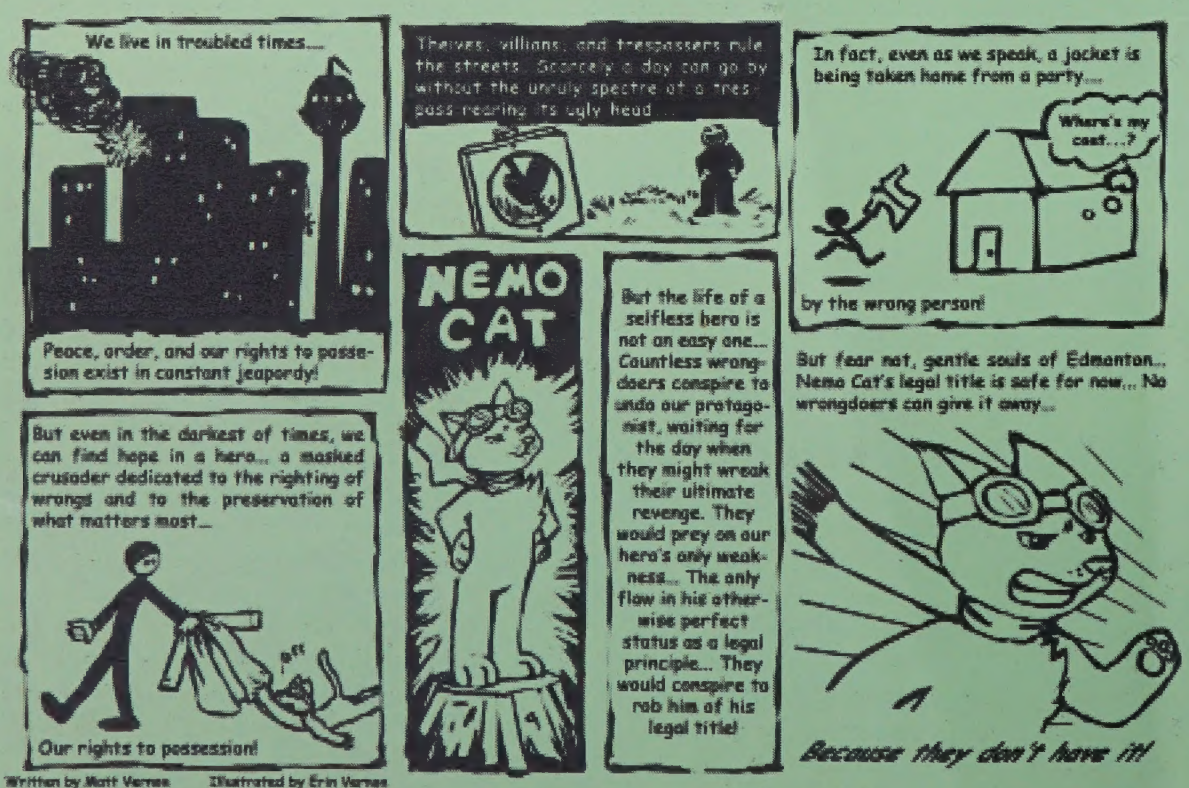
**Work smarter, not harder.**

Hackneyed maxims from the business world have worked for the inspirational poster industry, so they may as well work for you. As the saying implies, it's actually possible to increase your efficiency simply by *willing* yourself to be smarter. If your readings or lectures leave you mired in an uncomfortable sea of gray areas, torn between conflicting viewpoints or ideologies and struggling to reconcile them, then you're sadly just not as smart as you need to be. Try this: the next time you think you see more than one side to an issue, just focus the entirety of your mental energies on convincing yourself of your own fierce and unyielding brilliance. With practice, you'll soon see that there's actually only one side to everything, and you won't have to worry about time-consuming activities like thinking or listening to other people. You'll meet a lot of people in your classes that have perfected this particular time management skill: learn from them!

**Lose all sense of perspective.**

When a "normal" workweek is forty hours long, it seems absolutely crazy to spend ninety hours a week in the law building. It's exactly that sort of thinking that's going to nudge you into the worst time-management habit of all: looking for balance. While *some* faculties might allow you to waste your life on inconsequential activities like having friends, sleeping, or maintaining personal hygiene, law looks out for what you *really* need: a total reevaluation of normalcy. For instance, rather than trying to figure out *why* the school would spend thousands of dollars of differential tuition money on a strangely placed plasma screen that nobody will *ever* use, it's better just to assume that's the way things are done around here, and that it's all the *other* faculties that are crazy. Working yourself up over the oddities of law school doesn't make a lot of sense when you can just wholeheartedly endorse them as a metaphysical baseline for the rest of reality. Just remember: clocks that work are for the weak and complacent, no one *needs* their casebooks before the third week of classes, and television remotes *without numbers* make perfect sense. Given time you'll even find the same is true of one hundred percent cumulative finals: once you've taken a few, you'll wonder how you ever gave yourself ulcers without them.

# Mere Puffery


We live in troubled times...
Peace, order, and our rights to possession exist in constant jeopardy!
Thieves, villians, and trespassers rule the streets. Scarcely a day can go by without the unruly spectre of a trespass rearing its ugly head...
In fact, even as we speak, a jacket is being taken home from a party...
Where's my coat...?
by the wrong person!
But even in the darkest of times, we can find hope in a hero... a masked crusader dedicated to the righting of wrongs and to the preservation of what matters most...
Our rights to possession!
NEMO CAT
But the life of a selfless hero is not an easy one... Countless wrongdoers conspire to undo our protagonist, waiting for the day when they might wreak their ultimate revenge. They would prey on our hero's only weakness... The only flaw in his otherwise perfect status as a legal principle... They would conspire to rob him of his legal title!
But fear not, gentle souls of Edmonton... Nemo Cat's legal title is safe for now... No wrongdoers can give it away...
Because they don't have it!

Written by Matt Vernon Illustrated by Erin Vernon

## Poetry

JULY

Just now I notice the
puddle between us
Under the pines and on
the edge of your smile.
Longing to collect
another verse - Tidal
Insight and shoulder
whispers,
Afterthoughts for the
airplane.

Clint Martin

# Advice COLUMN

## He Said, She Said

**Question:** I hooked up with this really cute 3rd year guy at the First Friday Back party. Does this mean we're going out now?

**He Said:** Based on your brief description of the encounter, I feel it's safe to say that a not-insignificant amount of alcohol was involved. Most likely, all you've heard from him since is - "Hey how's it going" – when you accidentally bump into each other around school. The truth is, he's forgotten your name, and won't be able to remember until the Who's Who comes out. But, really, it's OK. There's no reason to tie yourself down this early in the season. After all, there is plenty of time for you to explore the possibilities within the upper years and still make an informed decision in time for Carbolic. See you at the next FABS!

**She Said:** Well, there are so many possible answers for this question that it just isn't possible to give every possibility (is it possible to use the word 'possible' again…? It might be possible). On the one hand, it's the First Friday Back, which necessarily means that everyone is checking everyone else out. On the other, he's really cute. If he were *not* so cute, then it becomes easy…you're ready to settle down and want 6 kids (trust me, he'll run). BUT, he sounds like the Don Johnson of the law school and we ladies know that a guy in a fluorescent pink shirt, white pants, and white shoes is a guy you want to hold on to. So, finish reading this column and then go find your man before he jumps in his Ferrari and speeds off into the sunset with your best friend (why do men always do that?! …sorry).

**Question:** What's the best night to go drinking at Scholars?

**She Said:** Do you have any 8 o'clock classes? If so, then the night before is probably not it. The best way to figure this out is on a personal trial-and-error basis. I'm pretty sure the beer tastes the same year-round. Other than that, try to go when other people are going. Drinking by yourself, especially before 6pm, is generally unacceptable until you make partner. But seriously, if you're planning to do a lot of hard partying, you should remember the other side of the equation – work hard first.

**He Said:** "The best night to go drinking" thinking is flawed…why does it matter if it's night or not? Asking when it's the best time to go have a beer at Scholars is like asking when it's the best time to breathe. It should be automatic…wake up, and then on the way to class stop in for your morning barley breakfast (the most important meal of the day), then after class get that barley bar you promised yourself (you need your energy, dude) and obviously supper calls for a beer or six. And don't forget all those "special" days… any hockey games (not this year: substitute with any news program), football (add nachos), any sports, Tuesday draft nights, Wednesday wing nights, Thursday ladies night, Friday end of the week night, and Saturday "I've got Sunday to recover" night. Now quit reading and go have a beer!

**Question:** I want to get involved with Law Show, but I'm not sure which section to go with. There's a hot girl in singing, but if I do acting I could probably impress *more* girls.

**He Said:** First off, any section of law show will be a blast and so if you are not already signed up, get signed up (otherwise this may never happen to you)! What do the ladies always say… it's all about first impressions. And man, that's pressure. Why put yourself under such extreme pressure to be perfect? If you join dance class with Miss Hottie and make a bad impression (in her eyes at least)…you're done, game over. BUT, with acting, your odds of making a fool of yourself in the eyes of *all* the ladies are drastically reduced (and you thought math was only good for phone numbers). Put it this way: would you bet on the Oilers or the Flames next season…? Exactly, the Flames. Why? Because they made the playoffs last year and went to the cup… sure, Edmonton had their dynasty 2 decades ago, but since then? It's all about the odds. So get out there pal and break a leg.

**She Said:** The first thing to keep in mind is that you're there to help out with law show, not the other way around. It's not supposed to be your own personal dating service. Your motives seem suspect, to say the least. What are your talents? If they are questionable, where would the inadequacy be the least conspicuous? I'm guessing you don't want to end up looking like a complete moron in front of the whole audience, so it's probably best to save the "moves" for FABS or the Halloween party, and do whatever you're better at in Law Show. But here's a tip: women love a man who can dance.

Got questions? We've got opinions, lots of 'em. We'll be happy to share. So tell us your problems and we'll set you straight.

Anonymity guaranteed.

# HOROSCOPE*

**Aries:** People in positions of authority will dictate your schedule this month. It isn't going to go away if you keep scratching at it.

**Taurus:** This week you are concerned with investments and other financial matters. Don't buy underwear until the next full moon.

**Gemini:** Watch for signs this month: an important message will come from an unexpected source. You're out of butter, and that milk has one good week left, *tops*.

**Cancer**: Someone with the initials B, C, D-F, G, H-M, N-R, S, T, W or Z will bring you important news this week. If your initials are Q, X, @ or ð, expect an unexpected windfall.

**Leo:** You will find yourself scoffing at predictions of the future. It's not as easy as it looks. *You* try it.

**Virgo:** Someone will impress you this month. Continue to feel good about yourself, despite the overwhelming evidence of your inability to "bring it".

**Libra:** A dark, attractive stranger will come into your life later this month. Romantic prospects remain bleak.

**Scorpio:** You'll come into some unexpected wealth later this month: buy yourself something pretty.

**Sagittarius:** You put the "git" in Sagittarius. Try not to speak with other people: they don't appreciate it.

**Capricorn**: You're experiencing problems with close friends or relatives due to the position of Uranus in your 5th house of relationships. Provocation is only a partial defence.

**Aquarius**: Your lucky numbers: 2, 18, 29, 47, 52. Gambling is not recommended this week.

**Pisces:** Watch the movie *Predator* this month: you've forgotten how good it is. Two of the characters become Governors later in life, which is more than you'll ever do. Avoid *Beaches*.

*The future may not conform to expectations.

# October Calendar of Events

| Sun | Mon | Tue | Wed | Thu | Fri | Sat |
|---|---|---|---|---|---|---|
| 26 | 27 | 28<br>Men's Soccer | 29<br>Canons Meeting, noon, Rm 102<br>Ultimate, Women's Soccer | 30<br>Men's Soccer<br>Last day to pay Fall term fees<br>*Resumes due for Vancouver summer positions* | 1 | 2<br>Golden Bearristers' Double Header<br>Alumni Reunion Weekend |
| 3 | 4<br>Intramural: Ultimate | 5<br>Interview Skills Seminar<br>Rm 231 12-2pm | 6 | 7<br>Grad Studies in Law<br>Rm 237 12-1pm | 8<br>Health Law Institute Speaker Series<br>Rm 231, 12-2pm | 9<br>Canons submissions deadline |
| 10 | 11<br>*Thanksgiving*<br>*School Closed* | 12<br>Health Law Institute Speaker Series<br>12-1pm | 13<br>Courier service for resumes due by noon for Cal/Ed summer positions | 14<br>Men's Soccer<br>Clerking w/ the Federal Courts<br>Rm 105, noon<br>*Resumes due for Cal/Ed summer positions* | 15 | 16<br>Golden & Panda Bearristers' Alumni Rugby Game |
| 17 | 18<br>Third issue of Canons published | 19<br>Clerking w/ the Alberta Courts<br>Rm 231/237, 12-2pm | 20<br>*FMC Negotiations Competition* | 21<br>Mock Interviews with Firm Members<br>Decore Centre, Rms A, C & D<br>12-2pm | 22 | 23 |
| 24<br>*Halloween*<br>31 | 25 | 26 | 27<br>On-campus Interviews<br>2L Wine & Cheese, 4-6pm | 28 | 29 | 30 |

## Sports COMMENTARY

## Origins of a Lockout

**Darin McKinley (1L)**

"So where do we go from here?" That simple question seems to be the only thing on the minds of Canadian hockey fans right now. On September 15th, in one staggering display of brutish strength and power, NHL Commissioner Gary Bettman all but ended the 2004-2005 NHL season. The worst thing about the whole situation was that the season didn't even have a chance to begin. Now, I realize that the onset of the lockout had all the subtlety of a train wreck, but its reality has struck a major blow to my psyche nonetheless. Especially considering that this is my first year living in a big city, where going to a game doesn't involve 3 days off and a serious dent in my finances.

As simple as the aforementioned question seems, however, its solution is much more complex especially when you take into account the fact that neither the league nor the union have been willing to make a concerted effort to negotiate a mutually beneficial solution. Unfortunately, in the days and weeks leading up to the lockout, negotiations (if you can even call them that) focused more on lawyerly posturing and unattainable demands than on the compromises that are needed in order to achieve a collective bargaining agreement that will prove to be both viable and effective in the long-run. On the one hand, the league claims that some form of cost certainty is required (read: a salary cap or some other structure directly linking salaries to revenues) in order to be financially sustainable. The union, however, has repeatedly gone on record as stating that it would never accept such an intrusive economic system.

So where do we go from here? Your guess is as good as mine! But seeing how we're now in this holding pattern without a whole lot else to do (aside from cracking open the books that are already starting to gather dust on the floor), it seems necessary to look beyond where we're going and address what is, at least to me, a more important question: "How the hell did we get here in the first place?" How did we reach a point where the average NHL player earns $1.8 million, the league is reporting collective losses of $300 million, and I have an extra 25 hours a week to burn because the hockey pool industry has all but dried up?

While there are numerous reasons one could point to in order to gain some clarity on the issue, they all seem to stem from one key development. During the 1990s, Commissioner Bettman, along with his immediate predecessors, Gil Stein and John Zeigler, orchestrated an extensive growth plan that increased the size of the league from 21 to 30 teams. This has all but exhausted the league's revenue sources, leaving it without any other option than to halt play until it can implement a more beneficial (read: stringent) economic system.

During this period (1990-2000), the league instituted its 'master plan' by placing teams in such noted hockey hotbeds as Nashville, Miami, Anaheim, and Atlanta. In doing so, the league was able to raise over $550 million in expansion fees for its existing teams. However, this remarkable inflow of cash (approximately $23 million for each of the 'Original 21' teams), which provided for a one-

*...Continued on page 11*

# Bowman's BANTER SPORTS

## Cam Bowman (2L)

# Large Men in Tight White Pants

The next time you are sitting down with an ominous looking casebook and are in desperate need of something to distract you from the ever-growing pile of readings, look no further than the upcoming baseball playoffs! While many people say that baseball is not exciting enough, or that they simply don't enjoy seeing large men in tight white pants, I say that's nonsense! Large men in tight white pants have universal appeal.

Now, for those who are *not* baseball fans, there's a very good chance that you will find yourself surrounded by a pack of people yelling at the television this October. If it's actually *on* and if you're watching baseball, you'll probably wish you had something knowledgeable to yell as well. With that in mind I present to you my 2004 baseball playoffs preview edition for non-baseball fans.

**The American League**

If you ever find yourself watching a game involving the New York Yankees, the knowledgeable thing to say is: "Those bums, there is no way they can beat the Red Sox again this year...is there?" It is important to note however, that the Yankees are one of those teams that people either love or hate so be sure to feel out the vibe of the crowd first.

But when it comes to their arch rival, the Boston Red Sox, the prevailing feeling is "Those bums, no way they can lose to the Yankees again...is there? You see, they have not won the World Series since 1918. Now, any team whose fan base includes octogenarians whose team has *never known victory* can tend to be a fairly touchy group, so again: check those vibes.

As for the rest of the American league, you can pretty much ignore them. The media usually does. There is however a slight chance that you may find yourself watching a game involving a team that is neither the Yankees *nor* the Red Sox. If you find yourself in that unfortunate situation, your best bet is to mention how well the winning team is doing, but that they will never beat a) the Yankees, or b) the Red Sox, depending on the previously established vibe. If you're entirely at a loss, or looking for a *second* thing to say, feel free to throw out popular baseball sayings like "it isn't over 'till it's over" and "there's no *crying* in baseball!".

My prediction: New York will win the American League

**The National League**

You will know you're watching the National League if you find yourself witnessing a batter who would probably be cut from a drunken Law's a Beach team. Don't worry, that's just one of the league's dazzlingly talented pitchers, none of whom ever apparently learned to bat.

There is basically only one story in the National League this year and that is the St. Louis Cardinals. If you are watching a National League game, just exclaim that you are cheering for St. Louis because they have the high profile Canadian, Larry Walker, on their team. If someone then needlessly mentions that the Los Angeles Dodgers have Eric Gagne, also a high profile Canadian, on their team, my advice would be to exclaim "Isn't he a dreamboat!" and then sigh wistfully. This is guaranteed to get that person to stop talking to you, probably forever; Gagne is a prodigiously unattractive man, and a *particularly* wistful sigh should earn you some privacy.

But seriously, while there are some other teams in the National League, they aren't really worth talking about. Most of their players are either not Canadian, or not hideously ugly enough to warrant comment.

**My prediction: St. Louis will win the National League, and then beat New York in the World Series.**

Having said all of this, I should warn you that I have about as consistent a track record in guessing World Series winners as I do in guessing answers on final exams. (I thought Contracts was a multiple choice exam, so I guessed "D". So did the prof.) So really, it might be just as safe a bet to put the rest of your student loan on the 2004 Expos and wait for the big payoff. Good Luck and happy baseball!

## Origins of a Lockout

*...Continued from page 10*

time boost to the league's economy, has now dried up.

Further, despite some impressive results on the ice in places such as Tampa (2004 Stanley Cup Champions), Anaheim (2003 Cup Finalist), Florida (1996 Cup Finalist), and Minnesota (2 come-from-behind series victories in 2003), many of these new wave expansion teams have been marketable failures at the gate. This is the one place where no NHL team can afford to not succeed. The sad fact is, many of these teams, as well as many others in the existing 21 (Chicago and Pittsburgh come to mind), are struggling to average 15,000 fans a game. Not a happy situation, considering that the NHL is more dependent upon gate receipts than any other major professional sport.

More importantly, the rapid rate of expansion has played a significant role in what the league is now claiming to be its greatest problem: escalating salaries. Simply put, the addition of nine new teams created over two hundred new jobs, representing a dramatic increase in the demand for hockey players. Unfortunately, the pool of available players remained static, resulting in upward pressure on salaries. As a result, the NHL is faced with situations where mediocre players, such as Martin Lapointe, can command a salary of $4 million a year.

While salary escalation (a 240% increase since 1994) is clearly deleterious to the stability of the league, it's disingenuous for the owners to complain about their sorry economic system when they are largely to blame for their own misfortunes. Had the NHL not played the expansion game as if it were some sort of Powerball lottery, it may have been more capable of making an effective transition into the twenty-first century. Unfortunately, as things stand today, the NHL and NHLPA aren't going anywhere fast. The players continue to advocate for a system that has benefited them enormously, while the league continues to spin its wheels on the ice, desperately trying to fix a problem that it essentially created itself. At this rate, I think I might have to find myself a good basketball pool to join.

R | M | R | F
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younger grad
pub night

Cam Hoke / Sara Adamson

~~8~~
17.
+ 3

~~8~~ June ✓ Thurs.
~~8~~ 30 ✓
wander
WC reception
Cambridge/Lectures
Denver Thurs
Beverley weekend